15

SINGLE BENCH

CF 1002

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIP PETITION (C). No. 253 /2007

PETITIONER : M/s. Indian Home Products through its Proprietor Bhagwandas Uchania, S/o. Late Ramesh Chand Uchania, aged about 36 years, R/o. Palace Road, Ambikapur, District Surguja (C.G.).

RECEIVED-COPY
8/2/07
CLERK to A. G. BILASPUR

VERSUS

RESPONDENTS :1) State Of Chhattisgarh, Through Secretary, Trade & Industries Department, DKS Bhavan, Mantralaya, Raipur (C.G.)

:2) General Manager, District Trade and Industries Centre, Ambikapur, District Surguja (C.G.).

P.R. No. 1128/07
Presented on 9/2/07
dated

:3) S.D.M., Ambikapur, District Surguja (C.G.).

:4) Deputy Director, Industries, Directorate Chhattisgarh, Raipur (C.G.)

:5) Commissioner, Industries, Directorate Chhattisgarh, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA

(94)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 253 of 2007

Petitioner M/s. Indian Home Products

Versus

Respondents State of Chhattisgarh and others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Smt. Hamida Siddique, Advocate for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the State/respondents.

ORDER

(Passed on 19th Day of February, 2007)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. This petition is directed against the order dated 19.7.2006 of (Annexure P-1) passed by the respondent No.2-General Manager, District Trade and Industries Centre, Ambikapur, District-Surguja.

2. Learned counsel for the petitioner submits that the petitioner was allotted the disputed land for 99 years' lease and an agreement was entered into for the above purpose on 23.12.1988 (Annexure P-2), however by the order impugned, herein, the allotment of lease in favour of the petitioner has been cancelled without affording any opportunity of hearing. He further submits that as per Clause 33 of the agreement, he had preferred a representation on 17.8.200((Annexure P-9) before the Commissioner, Industries, Directorat

(95)

Chhattisgarh, Raipur well within 30 days from the date of impugned order. The same has not been considered and respondents are likely to dispossess the petitioner from the allotted premises. He further submits that instant petition may be disposed of with a direction to the concerned authorities to dispose of the representation of (Annexure P-9) in accordance with the agreement of (Annexure P-2) and till decision of the representation, the petitioner should not be dispossessed in pursuance of order dated 19.7.2006 (Annexure P-1) which is not opposed by the counsel for the State.

3. In view of the submission made by the counsel for the parties, instant petition is disposed of with a direction to the respondents that they shall consider the representation of (Annexure P-9) on its own merit after affording an opportunity of hearing to the petitioner. It is further directed that till appropriate order is passed on the representation of (Annexure P-9), the petitioner shall not be dispossessed from the allotted premises.

4. The petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash